

Substitute for Form
PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S CHECK NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

17753-206

U.S. APPLICATION NO. (If known, see 37 CFR 1.51)

10/531,587

INTERNATIONAL APPLICATION NO.

PCT/FR2003/003053

INTERNATIONAL FILING DATE

October 16, 2003

PRIORITY DATE CLAIMED

October 16, 2002

TITLE OF INVENTION

**3-(CYCLOPENTEN-1-YL)-BENZYL OR 3-(CYCLOPENTEN-1-YL)-HETEROARYLMETHYL-AMINE
DERIVATIVES AND USE THEREOF AS MEDICINES FOR TREATING SCHIZOPHRENIA**

APPLICANT(S) FOR DO/EO/US

Bernard VACHER, Stéphane CUISIAT, Wouter KOEK and Francis COLPAERT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 21 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Form PTO-1449 and copies of five references

21. ☐ Applicant(s) requests that the published application include the following assignment information:

CALCULATIONS PTO USE ONLY

22. ☐ The following fees are submitted:

Basic Filing Fee (1631)

\$ 0.00

Surcharge of **\$130.00 (1617)** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total Claims	-20 =	0	X \$50.00 (1615)	\$ 0.00
Independent Claims	-3 =	0	X \$200.00 (1614)	\$ 0.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$360.00 (1616)

Examination Fee

+ \$200.00 (1633) \$ 0.00

Search Fee

+ \$500.00 (1632) \$ 0.00

App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)

TOTAL OF ABOVE CALCULATIONS = \$ 0.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

+ \$ 0.00

SUBTOTAL = \$ 0.00

Processing fee of **\$130.00 (1618)** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

TOTAL NATIONAL FEE = \$ 0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00 (8021)** per property +

TOTAL FEES ENCLOSED = \$ 0.00

Amount to be refunded :

charged :

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. **02-4800** in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-4800**. A duplicate copy of this sheet is enclosed.

d. ☐ Charge _____ to credit card. Form PTO-2038 is attached.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Burns, Doane, Swecker & Mathis, L.L.P.
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Mary Katherine Baumeister
 SIGNATURE

Mary Katherine Baumeister
 NAME

26,254 August 4, 2005
 REGISTRATION NO. DATE

Rec'd PCT/PTO 04 AUG 2005

Attorney's Packet No. 017753-206

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP PCT
Bernard VACHER et al.)	Group Art Unit:
Application No.: 10/531,587)	Examiner:
Filed:)	Confirmation No.: 1472
For: 3-(CYCLOPENTEN-1-YL)-BENZYL OR)	
3-(CYCLOPENTEN-1-YL)-)	
HETEROARYLMETHYL-AMINE)	
DERIVATIVES AND USE THEREOF)	
AS MEDICINES FOR TREATING)	
SCHIZOPHRENIA)	
Int'l Application No. PCT/FR2003/003053)	
Int'l Filing Date: October 16, 2003)	
Earliest Priority Date: October 16, 2002)	

FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Applicants request the Examiner's consideration of the documents listed on the accompanying Form PTO-1449. The listed documents were cited in the International Search Report (ISR) for PCT/FR2003/003053 or are English-language counterparts thereof. Copies of the ISR and IPER in French and in English were submitted herein on April 18, 2005.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, a copy of the listed U.S. patent is not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

This Statement, Form PTO-1449, and the documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

The following remarks are offered with respect to the documents which are not in English:

WO 00/58282 is in French. Its U. S. counterpart, Vacher et al., U.S.P. 6,417,222 B1, is cited to serve as an English translation. The English-language ISR and English translation of the IPER serve as brief statements of relevance of this document. It is also cited in the instant specification.

JP 05-125024A has no English-language counterpart. Applicants enclose a machine-made English translation. In addition, an English abstract/patent family search is provided as a brief statement of relevance. The English-language ISR and English translation of the IPER also serve as brief statements of relevance of this document, which is moreover cited in the instant specification.

It is respectfully requested that the Examiner consider this statement and cited references and that an Examiner-initialed copy of the accompanying Form PTO-1449 be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date August 4, 2005

By: Mary Katherine Baumeister
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FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete Known

Sheet		1	of	1	Application Number	31,587
					Filing Date	
					First Named Inventor	Bernard VACHER et al.
					Examiner Name	
					Attorney Docket Number	017753-206

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	6,417,222	B1	Vacher et al.	07-09-2002

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	99/51575		WO	10-14-1999				X	X		X
	99/58527		WO	11-18-1999				X	X		
	00/58282		WO	10-05-2000	X			X	X		X
	05-125024		JP	05-21-1993		X		X	X	X	X

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	YANUSAGA, T. et al., "Preparation of (hetero)aryloxyalkylamine derivatives having selective affinity to serotonin (5-HT 1A) receptors", Chemical Abstracts, October 25, 1993, Abstract No. 180657, vol. 119, no. 17, Chemical Abstracts Service, Columbus, OH, USA, abstract of JP05-125024.

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.